

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

U.S.A. vs. Phillip Allen Brooks

Docket No. 7:10-CR-80-1H

Petition for Action on Supervised Release

COMES NOW David W. Leake, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Phillip Allen Brooks, who, upon an earlier plea of guilty to Felon in Possession of a Firearm and Ammunition, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge on September 16, 2011, to the custody of the Bureau of Prisons for a term of 41 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Phillip Allen Brooks was released from custody on November 4, 2014, at which time the term of supervised release commenced.

A Violation Report was submitted on January 6, 2015, advising the court that the defendant submitted to a urine test on December 15, 2014, which tested positive for marijuana. On January 7, 2015, this court agreed to hold the positive test in abeyance, and allowed the defendant to complete a substance abuse assessment with CDTEG, Inc., in Jacksonville, North Carolina, and continue participation in the Surprise Urinalysis Program at an increased frequency.

A Violation Report was submitted on April 23, 2015, advising the court that the defendant submitted to urine tests on January 20, 2015, and April 3, 2015, respectively, which both tested positive for marijuana. The court was also advised that the defendant had not been reporting for Surprise Urinalysis testing as directed, and he had received two traffic citations. On April 27, 2015, this court agreed to modify the defendant's supervision to include mental health and anger management treatment, and 60 days of Home Detention with Location Monitoring.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant submitted to a urine test on May 12, 2015, which tested positive for marijuana. However, it is noted that on April 20, 2015, prior to the submission of the last Petition for Action, the defendant confessed to recently using marijuana. Given the timing of this urine test, in addition to the defendant's compliance with the recently added conditions of home detention and mental health treatment, it is recommended that the defendant's period of home detention be extended in favor of additional sanctions.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the Home Detention program with Location Monitoring for an additional period not to exceed 30 consecutive days.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ David W. Leake
David W. Leake
U.S. Probation Officer
2 Princess Street Suite 308
Wilmington, NC 28401-3958
Phone: 910-346-5109
Executed On: June 18, 2015

ORDER OF THE COURT

Considered and ordered this 22nd day of June 2015 and ordered filed and made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge